

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELEVATE MUSIC FUND 3 LP,
Plaintiff,

-v-

JOE CARLOS SCAIFE ESTATE and
DANIELLE GODWIN SCAIFE,
Defendants.

25-CV-540 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On January 21, 2025, the Court ordered Plaintiff to show cause as to why this case should not be dismissed for lack of subject matter jurisdiction by February 4, 2025. (ECF No. 5.) As the Court explained in that Order, Plaintiff's complaint does not allege the citizenship of each of the partners of the limited partnership Plaintiff, which is required to determine diversity jurisdiction under 28 U.S.C. § 1332. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 52 (2d Cir. 2000) ("[F]or purposes of diversity jurisdiction, limited partnerships have the citizenship of each of its general and limited partners.") (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990)). Plaintiff has not responded to the Order, despite the Court's warning that "this action may be dismissed" absent a response by February 4, 2025.

Because Plaintiff has failed to show cause why the case should not be dismissed for lack of subject matter jurisdiction or moved to file an amended complaint that properly pleads jurisdiction by the deadline, this action is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: February 7, 2025
New York, New York



J. PAUL OETKEN
United States District Judge